

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

PHILIP ANDREW McNUTT, <i>et al.</i> ,)	
)	No. MC-07-0011-CI
Plaintiffs,)	
v.)	REPORT AND RECOMMENDATION TO
)	DENY PLAINTIFFS' MOTION FOR
CHELAN COUNTY,)	WRIT OF EXECUTION WITH LEAVE
)	TO RENEW
Defendant.)	
)	
)	

BEFORE THE COURT on report and recommendation is Plaintiffs' Motion for Writ of Execution. (Ct. Rec. 1.) Plaintiffs appear pro se. Defendant has not been served. A filing fee has not been paid. A judgment has not been registered in this case.

Post-judgment executions are governed by Washington state law. FED. R. CIV. P. 69(a)(b). Revised Code of Washington (RCW) 6.17, *et seq.*, sets out the procedure for executing on personal and real property and for enforcement of judgment against a local governmental entity. There is no evidence of a judgment against the named Defendant being registered in this court or that the requirements of RCW 6.17.080 have been. Accordingly, **IT IS RECOMMENDED** Plaintiffs' Motion for Writ of Execution (**Ct. Rec. 1**) be **DENIED** with leave to renew upon filing of judgment and payment of appropriate filing fee as determined by the Clerk of the Court.

OBJECTIONS

Any party may object to a magistrate judge's proposed findings,

REPORT AND RECOMMENDATION TO DENY PLAINTIFFS' MOTION FOR WRIT OF EXECUTION WITH LEAVE TO RENEW - 1

1 recommendations or report within ten (10) days following service
2 with a copy thereof. Such party shall file written objections with
3 the Clerk of the Court and serve objections on all parties,
4 specifically identifying any the portions to which objection is
5 being made, and the basis therefor. Any response to the objection
6 shall be filed within ten (10) days after receipt of the objection.
7 Attention is directed to Fed. R. Civ. P. 6(e), which adds another
8 three (3) days from the date of mailing if service is by mail.

9 A district judge will make a de novo determination of those
10 portions to which objection is made and may accept, reject, or
11 modify the magistrate judge's determination. The judge need not
12 conduct a new hearing or hear arguments and may consider the
13 magistrate judge's record and make an independent determination
14 thereon. The judge may, but is not required to, accept or consider
15 additional evidence, or may recommit the matter to the magistrate
16 judge with instructions. *United States v. Howell*, 231 F.3d 615, 621
17 (9th Cir. 2000); 28 U.S.C. § 636(b)(1)(B) and (C), Fed. R. Civ. P.
18 73; LMR 4, Local Rules for the Eastern District of Washington.

19 A magistrate judge's recommendation cannot be appealed to a
20 court of appeals; only the district judge's order or judgment can be
21 appealed.

22 The District Court Executive is directed to file this Report
23 and Recommendation and provide copies to Plaintiffs and the
24 referring district judge.

25 DATED October 1, 2007.

26
27 S/ CYNTHIA IMBROGNO
28 UNITED STATES MAGISTRATE JUDGE